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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 3259b	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No. PCT/AU2003/000407	International Filing Date (day/month/year) 4 April 2003	Priority Date (day/month/year) 5 April 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ G08B 6/00		
Applicant. KING, Quentin		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheet(s).

EPO -DG 1

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3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 29 October 2003	Date of completion of the report 6 July 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer ROSEMARY LONGSTAFF Telephone No. (02) 6283 2637

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/AU2003/000407**I. Basis of the report**

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed.
- ☒ the description, pages 1-11, as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☒ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 12-14, 14A, received on 22 June 2004 with the letter of 21 June 2004
- ☒ the drawings, pages 1-3, as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

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IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The claims do not relate to one invention only (or to group of inventions so linked as to form a single general inventive concept). In assessing whether there is more than one invention claimed, I have given consideration to those features that can be considered to be "special technical features". These are features that potentially distinguish the claimed combination of features from the prior art. Where different claims have different special technical features they define different inventions. I have found claims having different special technical features as follows:

- (1) Claims 1 and 15 are directed to a tactile alarm with segments. It is considered that the tactile alarm being divided into segments wherein each segment corresponds to a different predetermined property to provide a tactile alarm signal to a person when an activation signal provided in one segment corresponds to a particular predetermined property falling outside its predetermined range comprises a first special technical feature.
- (2) Claims 2 and 16 are directed to a tactile alarm with coding of the pulses varying in intensity. It is considered that the tactile alarm providing pulses that are coded such that a particular coding corresponds to a predetermined physical property and wherein coding of the pulses varies in intensity proportionally with a predetermined property as it falls outside its predetermined range comprises a second special technical feature.

Continued on supplemental sheet.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1, 5, 10-12, 14-15	YES
	Claims 2-4, 6-9, 13, 16-22	NO
Inventive step (IS)	Claims 1, 5, 15	YES
	Claims 2-4, 6-14, 16-22	NO
Industrial applicability (IA)	Claims 1-22	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Derwent Abstract Accession No. 94-279984/34 and WO 94/18652 (D1)

US 5555891

EP 1100060

CA 2159439

NOVELTYClaims 2-4, 6-9, 13 and 16-22

The last paragraph of independent claims 2 and 16 lack clarity (see Box VIII), to such an extent that, in the case of the second alternative (that including "the coding varying spatially proportionally with a predetermined physical property"), the meaning of this paragraph cannot be ascertained. Thus the novelty of these claims are assessed, below, on the features of the above claims, excluding the last paragraph.

The Derwent Abstract of D1 discloses a tactile alarm system that renders claims 2-4, 6-9, 13 and 16-22 not novel.

INVENTIVE STEPClaims 10-12 and 14

The features introduced by these claims are either well-known features of alarms or involve mere workshop improvements. Thus claims 10-12 and 14 do not involve an inventive step over D1.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. In claims 2, and 16, it is not clear how the coding of the pulses can vary in intensity. This does not make sense. From the specification as a whole, and in particular from page 10, lines 11-18, it is the applied signal, not the coding, which varies in intensity proportionally with a predetermined property falling outside its predetermined range.

2. In claims 2 and 16, it is not clear how the coding of the pulses can vary spatially. This does not make sense. It would seem that it is intended that the applied signal, not the coding, be defined to vary spatially.

3. Claims 2 and 16 are not supported by the description. The description is totally silent on the coding (or applied signal (see objection 2, above)) varying spatially proportionally with a predetermined property as it falls outside its predetermined range.

Note that, in this claim, the coding has been defined to vary spatially with a (ie one) predetermined property and not to vary spatially according to which property is being measured. Thus, even if the word "applied signal" replaced the word "coding", the claim would still not be supported by the description, which discloses an applied signal varying spatially according to which property is being measured.

4. Claim 24 is redundant, since it only defines properties that may be included.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box IV

- (3) Claims 2 and 16 are, in the second alternative, directed to a tactile alarm with coding of the pulses varying spatially. It is considered that the tactile alarm providing pulses that are coded such that a particular coding corresponds to a predetermined physical property and wherein coding of the pulses varies spatially proportionally with a predetermined property as it falls outside its predetermined range comprises a third special technical feature.

Since the above groups of claims do not share any of the special technical features identified, a technical relationship between the inventions does not exist. Accordingly the claims do not relate to one invention or to a single inventive concept, a priori. In fact there are three inventions, characterised by each of the special technical features listed above.

(Note that the features of the identical preambles of each of claims 1 and 2 simply define a tactile alarm in the presence of audible or visual alarms. This is the situation for any tactile alarm inside a building with security systems and thus claims 1 and 2 are simply directed to a tactile alarm with their above-mentioned special technical features.)